

**BOARD OF SELECTMEN
MEETING MINUTES
THURSDAY, FEBRUARY 10, 2005
ABLONDI ROOM**

Attendance: Christopher C. Ross, Chairman; Katherine E. Murphy, Vice-Chairperson; Charles J. Sisitsky, Clerk; Dr. Esther A. H. Hopkins, Member; A. Ginger Esty, Member

Following a special public hearing pertaining to the Town's license agreement with Comcast, the Chairman called the meeting to order at 8:45 PM, and reviewed the agenda.

Public Participation

Mr. Barry

Mr. Barry informed the Board that Katherine French had been appointed as the new director of the Danforth Museum, and had started on January 24, 2005. He spoke highly of her background, and was very excited about her abilities. He invited the Board to the next art exhibition at the museum.

Consideration of Special Town Meeting schedule

Mr. Ross noted that there had been a proposal to change the proposed date of Special Town Meeting (STM) to March 15, 2005 with the concurrence of the Moderator. Ms. Valerie Mulvey, Town Clerk, agreed and explained that due to the Salute to Framingham scheduled for March 16, 2005, they were hoping to schedule STM for the day after.

She also noted that a separate STM had been requested for another set of citizen petition articles. Ms. Esty pointed out that this was being requested to avoid grouping these articles with the library issue. Mr. King said it was doable but that he did not understand the purpose or the need to hold a separate STM.

Ms. Murphy expressed concerned about the Salute to Framingham, noting that it would require a two-thirds vote to postpone Town Meeting to March 17, 2005 should STM require an additional night to complete.

MOVED: To set the date of the Special Town Meeting on Tuesday, March 15, 2005, and to set the second Special Town Meeting on the same date.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Consideration of a request to reappoint Elizabeth Fuller as a constable for the Town

MOVED: To reappoint Ms. Fuller as a constable.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 5 – 0

Ms. Esty questioned whether the reappointment of constables needed to be televised, since it might hinder a constable in performing his or her duties. Mr. Ross opined that doing so might violate the Open Meeting Law. Mr. King believed that it was part of the constable appointment policy.

Consideration of a request to appoint Faith Tolson to the Framingham Housing Partnership

Mr. Ross noted that they had received an application from Reverend Tolson, and that she would be replacing Mr. Carlos Cunningham. He felt she would be a wonderful addition to the Partnership. She would be filling the Community Development/Non-profit Association seat, which was being vacated.

MOVED: To appoint Reverend Tolson to the Framingham Housing Partnership.

Motion: Mr. Sisitsky

Second: Dr. Hopkins

VOTE: 5 – 0

Consideration of MWRA bonds

Mr. Dennis O'Neil, Town Treasurer, gave an overview of the MWRA loans, grants and bonds being presented to the Board. The bond would be interest free, the grant would be totally free, and payable over 5 years. Dr. Hopkins questioned what the source of money for repayment of the loan would be. He explained it would be paid back from the enterprise fund.

MOVED: To approve all of the MWRA matters as presented by Mr. O'Neil.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Consideration of a request to assent to a taking of town-owned land on Gates Street by the Massachusetts Turnpike Authority (MTA)

Mr. Christopher Petrini, Town Counsel, presented the information to the Board, noting the history of the matter. He invited the representatives to speak on behalf of the matter.

Ms. Kathie McCarthy stated that she had requested information earlier in the week, and wondered why the maps being used had not been provided. Mr. Petrini noted that the maps had been created at some point earlier that day.

Mr. Galvani gave a description of the property, and its relation to the Massachusetts Turnpike. He also provided a brief history of the project. He explained that the project had gone through the necessary process, and received all of the necessary permits. The essential layout of the project remained the same, but it had been discovered that Town land was needed in order to complete access the way originally intended, hence the request for the easement.

Ms. Esty asked the presenters to utilize the map provided by the Town Engineer to demonstrate the project more accurately to the viewers.

Mr. Steven Elliot, a real estate appraiser, explained that he had been asked by Mr. Petrini to appraise the value of the two parcels under discussion. He determined that market value was minimal, since developability by the Town or another potential developer was nigh impossible. In fact, they were easements, one being permanent the other being a slope easement.

Ms. Esty wondered that there was an appraisal, but no figure mentioned. He explained that he had stated in his report that he was not qualified to do so. Mr. John Bertorelli, Town Engineer, pointed out that he had submitted an estimate of \$34K for the project. Ms. Esty questioned whether the developer had offered to give the Town this sum of money in exchange for acceding to the MTA's request. Mr. Petrini explained that no discussions had been undertaken until the Board was to give further direction. Ms. Esty asked if this would in any way give access from Route 9 to the property nearby, specifically the 990 Corporate Center Hotel Land. Mr. Galvani stated that it absolutely would not. Mr. Petrini pointed out that the Town did not have to agree if there were some level of discomfort, but that the MTA could take it by eminent domain, in which case the Town might receive nothing.

Mr. Sisitsky questioned the non-taxability of the land. Mr. Galvani clarified that the land was not currently taxable due to the Turnpike, but after it was developed, it would be fully taxable. He believed a conservative estimate of the fully completed project would be at least \$2M annually to the Town of Framingham, between real estate and hotel taxes to the Town. He explained that the off-site mitigation proposed would also exceed \$2M. Mr. Sisitsky pointed out that Town Meeting had approved it, that the Planning Board had approved it. He opined that the Board ought to move on it.

Ms. Esty agreed that it would bring significant money to the Town's tax base; however, she was concerned about the relocation of a historical home on the same street. She suggested that the money be directed toward the relocation and restoration of said home.

Mr. Bertorelli explained that the Department of Public Works (DPW) had been trying to obtain an easement from the MTA as well, and suggested perhaps attempting to obtain that as part of the cost. Mr. Petrini's recommendation would be to make a motion contingent upon the Town receiving a \$34K payment, and upon the obtaining of the easement desired by the Town.

Mr. Galvani explained that the issue was the fair market value of the land. Discussions could be facilitated with the MTA, but they had already voted to take the land by eminent domain. Mr. Petrini questioned what their position was. Mr. Rosenfeld did not feel there was an incentive to pay the money, since the MTA could take the land by eminent domain. Mr. Petrini held to his original recommendation to the Board.

Mr. David Marks, Chair of Historical Commission, and noted that he had been very involved in this project. He felt that the Town should move forward with a land exchange or monetary exchange to allow the project to move forward. His concern was the continued existence of the historical home in question. He asked that the conveyance of this parcel be made contingent upon the timely movement of this house.

Ms. McCarthy explained she had been attending meetings on the subject almost since its inception. She thanked Mr. Romero and everyone else involved for notifying the Precinct Chairs. She did not believe, however, that the abutters had been notified. She

and members of her neighborhood had attended the PB meeting to extend the permit, but were not allowed to speak. She questioned the legal and administrative costs to the Town in the process of this project to date.

Mr. Sisitsky expressed confusion over the moving of the historical home. He clarified that the MTA owned the house, and that the developer was obligated to move and connect it to necessary utilities. He wondered how the money could be spent on a building the Town did not own.

Mr. Christopher Walsh concurred with Mr. Marks on the issue of the moving of the house.

Mr. Sisitsky submitted that if the Town were to agree to the taking without a fee, perhaps the developer could move the house earlier. Mr. Rosenfeld asserted that he would not move the house prior to moving ahead with the project, since it represented a significant cost. He noted that times had changed, and the costs he was facing were more difficult. Dr. Hopkins revisited his argument that times had changed, and questioned if he would be building the project at all. He answered that he hoped to build a project, but they were still looking for tenants.

Mr. Sisitsky questioned the cost of the appraisal and was given an estimate of under \$1K. Ms. Esty questioned if Mr. Petrini still held to his original contention given all of the information presented that evening, and he asserted that he did.

Mr. Galvani noted that no TIF was being sought, nor would be sought, so payment was being made to the Town. He suggested a figure of \$17K. Ms. Esty noted that the land under question was not blighted as the other land surrounding it, and thus she did not find the TIF argument applicable. Ms. Murphy asked if the project would move forward if \$17K could be agreed upon. Ms. Kathleen Bartolini explained that \$90K was estimated to cover the external costs of restoring the house. The MTA had denied the Town access to the property, and since then the agreement had been to use the \$90K once Boston Properties had relocated the house. Mr. Sisitsky asked if the money could be used to move the house. Mr. Marks explained that the property was out for bid presently, and the \$90K was being offered to use in repairing the house.

MOVED: To accede to the request for a land taking contingent upon obtaining the easement on Vaillencourt Drive desired of the MTA, and Boston Properties moving the house within 6 months.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 4 – 0 – 1 (Dr. Hopkins)

Ms. McCarthy requested a response in writing about why information had not been provided to the Precinct Chairs when they were notified. Mr. King responded that he had tried to make as much information available to the public as possible, including notifying the Precinct Chairs.

Consideration of USH Grant Contracts

Mr. King requested the approval of the Board to allow him to sign the self-help grants. Ms. Murphy felt it was a very worthy project and a very useful grant.

MOVED: To authorize the Town Manager to sign the USH grant contracts.

Motion: Ms. Murphy

Second: Mr. Sisitsky

VOTE: 5 – 0

Consideration of a request for a letter supporting Advocates' application for 76-78 Clark Street

Mr. King noted that it was an application that had been applied the previous year but was not granted. A representative gave background of what would be done with the grant funding. It was uncertain whether any of the tenants would be in the school system. Dr. Hopkins questioned why they did not receive the grant. Mr. Glasberg explained why the grant had been denied the previous three years.

MOVED: To write a letter of support for the project by the Advocates.

Motion: Ms. Murphy

Second: Dr. Hopkins

VOTE: 5 – 0

Consideration of TIP projects proposed to be filed with the MPO

Ms. Bartolini discussed the TIP projects proposed, focusing upon highway projects. Mr. Bertorelli would be discussing the proposed bridge projects. The projects included:

1. Franklin Street
2. Traffic signals for dangerous intersections including:
 - 1) Salem End Road/Temple Street
 - 2) Edgell Road/Water Street
 - 3) Edgell Road/Brooks Street
 - 4) Edgell Road/Central Street
 - 5) Edgell Road/Vernon Street
3. Route 126 from Route 9 South to Lincoln Street
4. Route 126/135 Underpass
5. Franklin Street
6. Route 126 from Ashland town line to Irving Street

Mr. Sisitsky was concerned about Elm Street/Potter Street, and felt strongly that the intersection should be added to the locations. Ms. Bartolini explained that the intersection had been removed a couple of years ago; however, it could be added to the list. The Board requested that Ms. Bartolini add Elm/Potter to the list, and she agreed. Ms. Esty suggested that a list be generated and given to the Planning Board. Ms. Esty discussed corridor mentality.

State bridge projects update

Main Street Bridge

Mr. Bertorelli began by discussing the Main Street Bridge, which was past the 75% design, and was at the 90% structural design level. He explained that the neighborhood wanted to hold it up because of a wooden deck, but the wooden deck was removed from the project proposal. The neighborhood had hoped to keep the cast-iron bridges but the State would not build non-rated bridges. A non-rated bridge meant that the bridge could not hold any load, and was only capable of holding up to a certain weight limit. Dr. Hopkins recalled that when a public hearing had been held, the Town had been told that the bridge would be reconstructed as it had previously been done. Ms. Esty asked that the promise be honored and that the bridge be reconstructed as originally agreed. Ms. Esty also suggested making the bridge one-way. Mr. Sisitsky pointed out that while the bridge was closed it was a huge inconvenience to other neighborhoods, though the neighborhood where the bridge was located might be happy. Mr. King agreed with Mr. Sisitsky that it needed to be open at least in one direction.

Ms. Bartolini clarified that the Town prioritized the roadway projects, but the bridges are under the jurisdiction of the state.

Central Street Bridge

Mr. Bertorelli noted that it was beyond the 25% design phase, and would cost approximately \$2M. It was presently scheduled tentatively for 2006. There was not presently a weight restriction on the bridge, but the condition was deteriorating rapidly. The Danforth Bridge would also be scheduled for replacement soon as well. It was estimated to take one and a half seasons to complete.

Route 9 Bridge

The bridge over the Sudbury River was at the 75% design stage. It would require right of way takings, but those would be state takings.

Fountain Street Bridge

For the bridge over the CSX railroad the deck would be replaced. In order to increase the clearance for double-deck railroad cars it would be constructed with a shallower design. After this was completed, the next step would be to redo the Winter Street Bridge.

Winter Street Bridges (by dam)

These bridges were to be put back on the Footprint Program, which would allow for more architectural nuances in the bridge.

Route 126 Bridge

This bridge had been completed.

Main Street Bridge over Route 9

The seats upon which the bridge sat would be replaced.

Ms. Esty expressed concern about preserving neighborhood integrities with regard to bridges. She had suggested a policy, but had felt that not much had been accomplished by the policy subcommittee in this regard. Ms. Murphy suggested having the policy

subcommittee review the matter, and then referred to the Traffic Roadway Safety Committee. Mr. Sisitsky cautioned against a policy that would restrict access to neighborhoods by emergency vehicles, i.e. heavy fire trucks.

Salem End Road (over reservoir)

This bridge was on a supplemental TIP and had not moved up, and would be scheduled in the future.

MOVED: To authorize the projects as presented.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 5 – 0

Ms. McCarthy thanked those working on the project and attempting to get state funds and projects. She was concerned with disability access on the roadway projects and the bridges projects. She suggested working with the Disability Commission on the matter.

Town Manager's Report

Air Quality Issues

Mr. King reported on the matter as requested by the Board, noting that all officers had been made aware of the pertinent General Laws that regulated idling vehicles. The Health Department had also been made aware of the need to actively enforce the issue.

Ms. Esty questioned Mr. Mikielian's response to certain companies outgrowing their zoning. Mr. King explained that he had asked Mr. Mikielian if the companies there were properly zoned, but he said he would ask him about what was allowable in that zone.

Ms. Esty suggested revisiting the date of the STM, placing one on March 15, 2005, and one on March 17, 2005 to ensure avoiding the Salute to Framingham. The Board discussed the logistics of doing so, and agreed that the citizen's petitions STM would be placed on March 17, 2005, and the library articles and contracts placed on March 15, 2005.

Mr. King explained that a bond issue would be coming before the Board next week, and Moody's had reaffirmed the Town's AA3 rating, noting that the Town's hold on that rating was much more solid.

Selectmen's Reports

Ms. Murphy

Ms. Murphy asked what the next step would be on the Town Owned Buildings Report. She questioned if articles needed to be prepared to respond to these recommendations. Mr. King suggested discussing the issue further at the next meeting.

Ms. Murphy asked if there were to be any landscaping plans on the Route 126/Route 9 bridge, since there would be an erosion concern. Mr. King said he would look into the matter further. Dr. Hopkins was concerned over the stop sign coming off of Route 9 onto

Charles J. Sisitsky, Clerk